

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS**  
**OF ENGLAND AND WALES**  
**QUEEN'S BENCH DIVISION**  
**COMMERCIAL COURT**



CL-2014-000695

**MR JUSTICE PICKEN**

**1 February 2018**

**B E T W E E N:**

(1) BOC AVIATION LIMITED  
(formerly known as BOC AVIATION PTE LTD)  
(a company incorporated under the laws of Singapore)

(2) BOC AVIATION (IRELAND) LIMITED  
(a company incorporated under the laws of the Republic of Ireland)

**Claimants**

- and-

(1) KINGFISHER AIRLINES LIMITED  
(2) UNITED BREWERIES (HOLDINGS) LIMITED

**Defendants**

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**ORDER**

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**UPON** the application of the Claimants dated 8 September 2017 under CPR Part 24 for summary judgment

**AND UPON** hearing Leading Counsel for the Claimants

**AND UPON** reading the witness statements of Mr Jonathan Mahony dated 31 August 2017 and of Mrs Sophie Eyre dated 30 January 2018 in support of this application



**AND** the Court having found that the Defendants have ~~no real suspension~~ successfully defending the claim and there being no other reason why the claim should be disposed of at trial

**IT IS ORDERED THAT:**

1. There be judgment for the First Claimant against the First Defendant in the sum of US\$51,964,554 plus interest already accrued in the sum of US\$13,796,694, and further with interest accruing on such of the said judgment debt as remains unpaid, at a rate 2 percentage points over US Dollar Prime Rate from time to time (and currently at the rate of 6.5% per annum) from the date of this Order, and currently at the rate of US\$9,382.49 per day.
2. There be judgment for the Second Claimant against the First Defendant in the sum of US\$23,054,414 (for the avoidance of doubt, without any additional sum for accrued interest) with interest accruing on such of the said principal judgment debt as remains unpaid from time to time at the judgment rate 8% per annum, from the date of this Order, currently accruing at the rate of US\$5,053.02 per day.
3. There be judgment for the First Claimant against the Second Defendant in the sum of US\$12,612,007 plus interest already accrued in the sum of US\$3,611,763, and further interest accruing on such of the said principal judgment debt as remains unpaid from time to time at the judgment rate 8% per annum, from the date of this Order, currently accruing at the rate of US\$2,764.28 per day.
4. There be judgment for the Second Claimant against the Second Defendant in the sum of US\$7,089,804 (for the avoidance of doubt, without any additional sum for accrued interest) with interest accruing on such of the said judgment debt as remains unpaid at the judgment rate 8% per annum, from the date of this Order, currently accruing at the rate of US\$1,553.93 per day.
5. The First Defendant shall pay to the Claimants their costs of this claim summarily assessed in the sum of £161,539.50. The Second Defendant shall

be jointly and severally liable with the First Defendant to pay the Claimants half of the said costs liability.





Claim No. 2014-000695

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(2) BOC AVIATION (IRELAND) LIMITED

Claimants

- and -

(1) KINGFISHER AIRLINES LIMITED

(2) UNITED BREWERIES (HOLDINGS)  
LIMITED

Defendants

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ORDER

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*Solicitors for the Claimants*

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